

**ENQUIRY INTO THE SOUTH GAUTENG DIRECTOR OF
PUBLIC PROSECUTIONS' FITNESS TO HOLD OFFICE**

HELD AT

**SALU BUILDING, 316 THABO SEHUME STREET,
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

8 APRIL 2026

DAY 48



**ENQUIRY INTO THE
SOUTH GAUTENG
DIRECTOR OF PUBLIC
PROSECUTIONS'
FITNESS TO HOLD OFFICE**

PROCEEDINGS ON 8 APRIL 2026

CHAIRPERSON: Good morning everyone. Good morning Advocate Chauke. Good morning Advocate Trengove and Madam. We are going to request that, Advocate Trengove, you place yourself on record before we begin.

ADV TRENGOVE SC: May it please you Chair, my name is Wim Trengove. I appear with my learned friend, Ms Theart-Hofmeyr for General Booysen.

CHAIRPERSON: Who is the instructing attorney?

10 **ADV TRENGOVE SC:** Tanya Kuhn is the instructing attorney.

CHAIRPERSON: Ms Kuhn. I have seen some communication from her. Is that the lady?

MS KHUN: That is correct.

CHAIRPERSON: Yes, thank you. Advocate Mtsweni, are you ready to begin with your witness? Perhaps before you do, let me just find out from Advocate Trengove whether they would like to sit for a while before we excuse you. The witness who is supposed to testify is Advocate Riley. She has filed a statement. I am not sure whether you have had
20 an opportunity to get a copy of that statement or all other statements that were filed of record over the weekend. You may wish to have access to those statements. If not, Madam Kuhn can make arrangements with the Secretary to have the link. You will be in a position to obtain all such statements that are filed of record.

MS KUHN: Thank you.

CHAIRPERSON: Would you like to wait until we excuse you? Let us hear whether the witness is ready. If not, make a determination as to when we are going to continue.

ADV MTSWENI: Good morning, Madam Chair. Good morning, members of the panel. Madam Chair, I have got not so good news for the panel. The long and short of it is that I do not have a witness ready to testify. We have been told, just after we left the chamber on our way to the Secretariat's office, that Advocate Riley has indicated that she is not happy with the statement and she would like more time to work on the statement and for those reasons, Madam Chair, she is not ready to testify.

And I have been requested by the NPA to ask for an adjournment in order for them to sort out the statement. I am advised that Advocate Lekgetho is, as we speak, on her way to Cape Town to meet up with Advocate Riley in order to understand what her concerns are and in order to address them.

What I can assure the panel is, the statement, I prepared the statement as directed and it was sent to the NPA team together with Advocate Riley as far, as early as around 7 o'clock in the morning on Thursday for their comments and inputs. I received Advocate Riley's comments, I think on Saturday or Sunday, which I then incorporated into

her statement and sent it back to her. I never received, between Sunday and today, never received any concerns whatsoever from any party that there were issues with the statement and I belaboured under the impression that she is happy with the statement because she signed it.

It is only now in this morning that I was told for the first time, not directly, but through Advocate Lekgetho, that Advocate Riley is not happy with the statement and she would like more time. And in the circumstances, Madam Chair, I do
10 not have a witness for reasons beyond my control and I cannot even tell the panel as yet as to when will Advocate Riley be available because Advocate Lekgetho is on her way to Cape Town. I do not know how long it will take for them to finalize the statement and when will Advocate Riley be available, Madam Chair.

That is the predicament that I find myself in. But, and so from my part and the part of my colleagues, we did everything that we could, although belatedly so, to make sure that at least we make progress today and unfortunately, that
20 is where we find ourselves, Madam Chair.

CHAIRPERSON: And when did Advocate Lekgetho leave for Cape Town?

ADV MTSWENI: Just after, I think just before 10 o'clock. No, no, just after we left the chamber. She told me she had to go home and get her stuff because I think her flight will be

at 12 o'clock this afternoon to Cape Town.

CHAIRPERSON: Anybody from the State Attorney here?

ADV MTSWENI: No one, because I had asked her to say could she not stay at least to come and address the panel on that and she told me that given the time for which she has to make her flight, she would not be able to be here and then that I must just ask for the panel to stand the matter down. And I asked her, how long will you guys need to finalize the statement, and that is the answer that I do not have.

10 I cannot tell the panel whether this afternoon. It is unlikely today. It is unlikely tomorrow. I am not sure, Madam Chair. If it were up to me, I would say, I would remove Advocate Riley from the list because it looks like we can only call witnesses who want to go testify. But it looks like the NPA regards her as an important witness and that is where, that is the difficulty that I find myself in.

CHAIRPERSON: This statement is signed by Advocate Riley. There is, however, no indication when she signed it. If you look at SR0040, there appears to be her signature
20 there.

ADV MTSWENI: That is correct, Madam Chair.

CHAIRPERSON: When did she sign the statement?

ADV MTSWENI: We got, I think I got the signed version on Sunday. And then, Sunday or Monday, I cannot remember, and that is when I asked her to have it properly commissioned

and then we struggled with the commissioning because she did not have the facilities to scan, etcetera. But it was signed on Sunday, although it is not dated.

CHAIRPERSON: Why was it not filed on Thursday as was directed and as you undertook?

ADV MTSWENI: Madam Chair, as the reasons for that are, as I had indicated, I was able to finalize the statement completely on Saturday, on Thursday morning, and send it to them on Thursday morning with the view, and in fact, I stated
10 in my email that it should be, I should receive everyone's comments by no later than 2 o'clock that afternoon so that I am at least able to file an unsigned version in an attempt to comply with the timelines.

But I had not received the comments. I only received the comments on Saturday. And I could not, until I get a green light from both the NPA team as well as Advocate Riley that they are happy with the statement, proceed to file it. So hence we were able to file an unsigned statement when after, when, the moment I received the green light that she is happy
20 with the statement, that is when we were able to send it through to the Secretariat.

But I did everything I could, Madam Chair, to comply, but it is beyond my control as to when I receive the comments back because it is not my statement, it is their statement. They have to be happy with the statement. And to the extent

that I could not comply, Madam Chair, I can only profusely apologize. I did everything within my power.

CHAIRPERSON: You suggest that she should probably be removed from the list of witnesses?

ADV MTSWENI: If it were up to me, Madam Chair, I would. But unfortunately it looks like the NPA regards her, I do not want to be blamed for saying I did not call necessary witnesses.

10 **CHAIRPERSON:** Let me finish what I am trying to say to you.

ADV MTSWENI: Okay, apologies.

CHAIRPERSON: Before you even consider that, because we have a statement in front of us, you should perhaps wait to hear from Advocate Lekgetho. As soon as she arrives in Cape Town, she will then communicate with you. Then we will know by end of business as to whether Advocate Riley will be available to testify or not. If she is available to testify perhaps tomorrow, she can do so virtually. By end of business, we should know what the position is.

20 Yes, thank you. As regards the other witnesses, Advocate Mlotshwa, is he available to start? Is he far? Is he here? Is he willing to testify virtually?

ADV MOHLAMONYANE SC: May I get in with your permission, Madam Chair? We will talk to Advocate Mlotshwa to find out whether he may be available to testify tomorrow

virtually or even on Friday. We had not contemplated that the position will be as it is, because yesterday I spoke to my colleague, Advocate Mtsweni, and he said to me Advocate Riley would be flying up and will be available today. So I was confident that she will be here. But seeing that she has raised whatever she has raised and she is not here, I take it upon myself to communicate with Advocate Mlotshwa and find out whether he cannot testify tomorrow or even on Friday, depending on his availability.

10 **CHAIRPERSON:** On the list of witnesses, we also have General Mkhwanazi. What is the position with regard to this witness?

ADV MOHLAMONYANE SC: With regard to General Mkhwanazi, I indicated last week that I still need to sit with him to finalize his statement. A draft is there, but I still need to sit with him to finalize his statement.

CHAIRPERSON: And Colonel Roelofse?

ADV MOHLAMONYANE SC: I spoke to Advocate Mayette on Colonel Roelofse. Apparently, Colonel Roelofse will no
20 longer be called, but she can confirm that.

ADV MAYET SC: Thank you, Madam Chair. Madam Chair, with regard to Colonel Roelofse and Advocate Van Zyl, both witnesses are retired. So, with regard to Advocate Van Zyl, he has technological challenges. His statement was sent to him. He made handwritten changes, which were sent through

last night, and we are working on that.

With regard to Colonel Roelofse, he has been, not responding to my attempts to contact him. I asked the NPA for assistance, and I was told this morning that they will try their level best. He is allegedly in another matter at the moment, but they will try to make contact with him.

CHAIRPERSON: Advocate Mohlamonyane, will we know, at least by lunchtime, whether Advocate Mlotshwa will be available to commence with his testimony tomorrow?

10 **ADV MOHLAMONYANE SC:** As soon as we adjourn here, Madam Chair, I will try and make contact with him, and I will revert.

CHAIRPERSON: It appears to us that none of these witnesses will be ready to testify today, meaning that the matter should be stood down until tomorrow. By tomorrow, we should know whether Advocate Riley will be ready to start. Rather, this afternoon, give us an indication, and if you can also indicate whether any of the witnesses will be able to take the stand tomorrow, so that we can proceed.

20 **ADV MOHLAMONYANE SC:** We will do so, Madam Chair.

CHAIRPERSON: So by, say, 1 o'clock or before lunchtime, you should give us an indication ...[intervenes].

ADV MOHLAMONYANE SC: Madam Chair ...[intervenes].

CHAIRPERSON: What the position is, regarding these witnesses.

ADV MOHLAMONYANE SC: I think on the, that will be on Advocate Mlotshwa, because Advocate Lekgetho indicated that she will only arrive in Cape Town this afternoon after 3. So I might be able to, we will get, we will get Mr ...[indistinct] to write the letter as soon as we get an indication, and send it through to the Secretariat, who will then advise the panel on the position, because it is only when she arrives in Cape Town and meets up with Advocate Riley that she will get an indication as to what, to the extent to which she is not happy
10 with the statement, and how long it will take for them to correct that, and then we will advise the panel by, before close of business today on Advocate Riley, Madam Chair.

CHAIRPERSON: Of the bundle of documents that were filed yesterday, is Advocate Mlotshwa's draft statement in the bundles that were filed, apart from Advocate Riley's statement?

ADV MOHLAMONYANE SC: What I am aware of, it was sent through to the Secretariat. I am not sure whether it was uploaded on the SharePoint portal.

20 **CHAIRPERSON:** Our researcher tells me that Advocate Mlotshwa's statement was filed at the instance of Advocate Lekgetho. You will then have to verify with Advocate Mlotshwa, Advocate Mohlamonyane, whether he is willing to testify tomorrow. We can go through the statements today and if he is available, he can testify tomorrow if he is around

Pretoria. If not, he can testify virtually, so that we can make progress.

ADV MOHLAMONYANE SC: Yes, Madam Chair, I will do that. I will talk to him.

CHAIRPERSON: When will we know?

ADV MOHLAMONYANE SC: Depending on whether I will be able to find him. As soon as I find him, I will let you know what his reaction is. As soon as we adjourn here, I will pick up the phone and call him.

10 **CHAIRPERSON:** Let us know by 11 o'clock whether Advocate Mlotshwa is available or not.

ADV MOHLAMONYANE SC: Yes, Madam Chair, I will do that.

MS RAMAGAGA: Advocate Mtsweni, is it correct that Advocate Riley is still an employee of the NPA?

ADV MTSWENI: That is correct, Madam Ramagaga.

MS RAMAGAGA: Thank you.

20 **CHAIRPERSON:** Do you have anything to say, Advocate Ngcukaitobi, before we give a direction about the state of affairs?

ADV NGCUKAITOBI SC: No, Madam Chair. If the situation is as it is, there is nothing we can do as the Counsel for Mr Chauke. We would simply request that there should be clarity about the purpose of the adjournment tomorrow, in other words, what is expected when we convene tomorrow morning.

Thank you, Madam Chair.

CHAIRPERSON: Yes, thank you. Advocate Trengove?

ADV TRENGOVE SC: No, nothing from us, Chair. We will submit the General's statement in a week's time and then take further directions from you.

CHAIRPERSON: Yes, thank you. A week's time, should we ...[intervenes].

ADV TRENGOVE SC: Next Wednesday.

10 **CHAIRPERSON**: Next week Wednesday.

ADV TRENGOVE SC: Ja.

CHAIRPERSON: I must mention, Advocate Trengove, that as you probably know, time is not on our side. We have up to end of June to submit the report to the President. We had anticipated that the evidence leaders would have finished with their witnesses, at least by now, but you may be aware of the developments of December that requires no elaboration at this point in time. We hope that by end of April, we should have come to an end of listening to evidence so that we can
20 afford parties to file submissions when we start working and finalising the report.

As you would know, we have bundles and bundles of documents that we have to go through, and that is going to require time. We would appreciate if we can have that statement of Major General Booyens as soon as it is ready,

hopefully by mid-next week as you undertake, and we will discuss further matters as soon as that statement is ready.

ADV TRENGOVE SC: Indeed, Chair.

CHAIRPERSON: That said, it appears to us that this matter can only be stood down until tomorrow morning at 9 o'clock.

And please, Advocate Mohlamonyane, let us know when the witness will be, would have indicated about her availability.

And Advocate Mohlamonyane, let us know by 11 o'clock what the position is with regard to Advocate Mlotshwa. Other

10 witnesses whose statements are still outstanding, Colonel Roelofse and Advocate Van Zyl, also give an indication by tomorrow, at least by tomorrow, so that we know when these witnesses will be testifying, then we can set time aside for the further witnesses who may take longer, for instance, Major General Booyens. Apparently his statement is long and we may need more time with him. Please finalize the statements, all of you. Yes, thank you, we will stand this matter down until tomorrow morning, Thursday, the 9th of April at 9 o'clock.

20 **ADV MOHLAMONYANE SC:** As you please. Thank you, Madam Chair.

CHAIRPERSON: Thank you.

ENQUIRY POSTPONED TO 9 APRIL 2026

ENQUIRY ADJOURNS

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